

The ALJ found the claim compensable because, shortly before the accident, the coworker had asked the supervisor if he could have five minutes alone with the claimant. The ALJ concluded, and the Board agrees, that the question was likely asked of the supervisor in a manner which suggested that the coworker wanted to do more than talk. The supervisor, nevertheless, implied that this would be okay. The claim should therefore

be considered compensable under the rationale described in Harris v. Bethany Medical Center, 21 Kan. App. 2d 804, 909 P.2d 657 (1995).

WHEREFORE, it is the finding, decision, and order of the Appeals Board that the Order entered by Administrative Law Judge Jon L. Frobish on April 15, 1998, should be, and the same is hereby, affirmed.

IT IS SO ORDERED.

Dated this ____ day of May 1998.

BOARD MEMBER

c: Andrew E. Busch, Wichita, KS
Gregory D. Worth, Lenexa, KS
Jon L. Frobish, Administrative Law Judge
Philip S. Harness, Director